

David and Leslie Kinworthy

Fed Case# 5:11-cv-0877-GW-SP

GMAC/Res Cap -BK case#12-12032

1/13/2013

Honorable Judge Glenn,

I know you have a busy schedule and have many important things to do. I am sorry for having to bother you with this letter but I feel as though I have no choice. I am asking if you would please take the time (at your leisure) to read this letter so you can kind of understand our side. I will try to be as brief as I possibly can and I am requesting a conference with you regarding this matter.

Due to the imposed on the suit my wife and I have filed against GMAC (listed above) and our lawyer doesn't seem to think he can do anything. So I feel I don't have any choice but to write you this letter in hopes of you lifting the stay so we may continue negotiations or set up some type of court date to resolve this issue.

In July of 2009 we received a letter from GMAC telling us we were eligible for a principal reduction loan modification through the new Obama Plan. Kyle of GMAC (who works in South Carolina) told us via e-mails your new loan saves you around \$1000.00 per month..." and "...consolidates 2 loans (1st & 2nd) into one..." and GMAC will be "...writing off roughly \$174,300.00..." Wow we'll save 1 grand a month plus have just 1 fixed rate loan. We got our home appraised and e-signed documents and paperwork is sent to a processor named Paula Hogan . About one more month passes. It's the first part of October but we get a good e-mail from Kyle saying "...your loan has been approved for a write down..." But also I get a letter from GMAC that states "...your 2nd mortgage is now owned by Green Tree Financial..." and a 2nd letter from Bank of New York leading me to think the 2nd was sold a second time. After talking to Kyle to voice our concern about what this may do to our loan process, I fax him the letters and he assures us it won't change a thing. We think "OK everything is in good shape." Now it's the end of October and we receive a call from Kyle that stating that the house we still own in Indiana is causing a problem. The Indiana house is financed with an FHA Loan and GMAC's Program has to use an FHA program. Kyle than states GMAC could refinance our Indiana home.

After trying to refinance the Indiana house locally and on our own we decide to take up Kyle and GMAC's offer. The appraisal for the Indiana house comes in at \$7000.00 LESS than what we owe on it. But after doing a little calculating we realize according to Kyle's estimate back in August, we would be saving one thousand dollars a month soon so in less than a year we would re-coop the seven grand we would be spending in order to eliminate one FHA Loan to get the CA home write down on a FHA Loan. In one month's time GMAC gets the Indiana home appraised, we e-sign documents, we part with \$7000.00 and we actually close the Indiana house loan on Christmas Eve of 2009! Now it's January 8th 2010 and two weeks have gone by with no contact from Kyle or anyone else from GMAC. We called left voice messages and sent several e-mails. Finally someone answers Kyle's phone and tells me "Kyle and Paula Hogan are no longer with the company (GMAC)" Panic comes over us as we ask "what happens to the CA loan..." In an e-mail from Margaret Breen we are told Heather Lilly will be assigned to our CA loan.

January 19th 2010 in an e-mail from Heather saying all of our documents have are expired so the loan is "...Temporarily Suspended..." We fax her all current documents that day. Two weeks later on February 2nd in an e-mail from Heather, I notice our loan has a new name, it's now called a SHORT PAYOFF, and in another e-mail from Heather she wrote"...docs didn't Officially Expire until 1/31." So than she lied to us about the expired documents ...why? Heather does resubmit everything and on February 8th we get an e-mail from Dawn Koepsell. She needs a release paper signed by us in order for Green Tree to give GMAC info about the 2nd mortgage. I get them the signed document back to them that day. Than we get an e-mail from Heather stating "...initial appraisal expired..." "...you will be charged..." and "...is REQUIRED...to move forward ..." Now we have to get a second appraisal and pay for it too! But in order to complete our loan we OK the order for a new appraisal but I can't help but think "what else is going to expire or need to be resubmitted?" Now it is March 11th 2010 and Heather sends us an e-mail stating "...your loan is clear to close. Than we get another e-mail later that same day giving us an actual closing date of "...March 12th 2010..."

We than get an e-mail from Gabriella Ortiz on March 12th (closing day) saying our "... office is closing your new processor is Anna Golic..." here is her contact info..." (Anna works out of Pennsylvania) We also get an e-mail from Heather giving us some info she had gotten about Green Tree and that she had sent our whole file to Anna. Heather also gave us all of Anna's contact info and then told us it was her last day with GMAC. Remember this was our closing day (yes we realized it wasn't going to close that day now) so I send Anna an e-mail right away introducing ourselves and trying to get her up to speed ASAP. A lot of good that did. On April 7th (almost a month after our closing date) I get an e-mail from Anna saying "...I am still working to figure out if Green Tree is going to accept the short pay or if it's Green Tree that's doing the short pay..." I think "we are in deep trouble now, no closing date in sight any more." I reminded Anna that Heather had sent her our whole file to her and I also tried to fill in some of the blanks too with an e-mail. On April 10th I get 2 more e-mails from Anna stating how she's spent soOoo much time on the phone with Green Tree representative Harvay and how Harvay won't tell her anything. Later in April Dave calls Harvay at Green Tree and Harvay said to Dave "...no one from GMAC has contacted me since early March..." Now Anna's lying to us too? Dave relays this information to Anna via a phone call and Dave presses Anna to explain how it took GMAC only one month to take \$7000.00 from us and to refinance our Indiana house but can't close the CA house in a years worth of time. He urged Anna to move things forward reminding her that we had a closing date in March and telling her he feels we are now being strung along. Another month goes by and on May 5th we get one last e-mail from Anna stating "...underwriter denied the loan..." and "...you should receive a letter stating why you loan was denied."

We did try to contact Anna by phone and by e-mail but got no response. At one time some one answered Anna's phone and he gave us Anna's boss's name, Jim Hazlett and his phone number. We called him several times and left messages which were never returned. At one time someone answered Jim's phone and Dave basically demanded to speak to Jim. Dave had talked to that guy (could have been anyone really) and he listened to our story and said it didn't sound like we had been treated well and that he "would get to the bottom of things" and call us back. You guessed it, Jim never called back!

Since April of 2010 we have kept up our regular mortgage payments due to keeping up on them was part of our original agreement with GMAC. We have paid GMAC about \$1,000.00 extra every month since our March 12, 2010 closing date for a total of roughly \$35,000 that I feel they were simply not entitled to. So in essence since we have started this whole process in which GMAC stated in their original offer would be of no cost to us, has in fact cost us about \$55,000 total with lawyer fees by the time you have read this letter. And this is not including the \$7,000 for the refi of our Indiana home. Of course this is not everything we have experienced with GMAC this is only the things I felt necessary for you to know so you can make an educated decision.

At this time we would like to thank you for taking the time out of your very busy schedule to read this letter and I hope we can get a conference set up so can get this issue resolved.

with Great Sincerity, Thank You!

David B. and Leslie K. Kinworthy